

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-5, 7-24 and 26-34 are pending. Claims 1, 2, 14, 16, 21 and 32-34 are independent. Claims 1, 2, 7, 8, 14, 16, 21, 26, 27 and 32-34 are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed and specifically on pages 46-47 (paragraphs [0178]-[0184]). Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-5, 7-24 and 26-34 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication No. 2002/0152082 to Harradine (hereinafter merely, "Harradine").

Claim 1 recites, *inter alia*:

"...wherein the electronic mark indicating a special content data is generated when the mark generator detects a peak of total value of luminance levels of each frame in a predetermined length period, or when the mark generator detects that total value of audio output levels of each frame

exceeds a predetermined level within a predetermined length period... (Emphasis added)

Applicants submit that Harradine fails to teach or suggest the above identified features of claim 1. Specifically, Harradine does not describe the electronic mark indicating a special content data is generated when the mark generator detects a peak of total value of luminance levels of each frame in a predetermined length period, or when the mark generator detects that total value of audio output levels of each frame exceeds a predetermined level within a predetermined length period, as recited in claim 1.

Specifically, on page 2 of the Office Action asserts that Harradine describe different kinds of Meta data which includes special content such as information about introduction of new face in paragraph [0038]. However, Applicants submit that in Harradine meta data describing the content of the audio/video signals is input using the PDA 112 (See, Harradine, paragraph [0060]). Thus, **in Harradine, the “semantic” meta data, such as introduction of new faces, which provides contextual/descriptive information about the actual content of the audio/video material, is input by the user.** In the present invention, as shown in Fig. 11, with regard to flash video data, the total value of luminance levels increases between the frame 1020 and the frame 1030, which means flashing starts; and after a peak of the luminance levels in the frame 1040, the total value of luminance levels decreases between the frame 1040 and the frame 1050, which means flashing ends, so the mark generator 404 determines that a cause for generating electronic mark data representing “_Flash” has been detected, and generates electronic mark data representing “_Flash”; Similarly, with regard to large-sound-volume audio data, the mark generator 404 detects an audio output level for each frame, and when the total value of audio output levels exceeds a predetermined level within a predetermined length of time, the mark generator 404 determines that a cause for generating

"_OverAudioLimiter" has been detected and generates electronic mark data representing "_OverAudioLimiter " (See, Specification, pages 46-47, paragraphs [0178]-[0184]). Thus, **in the present invention, electronic mark data such as "_Flash" or "_OverAudioLimiter" is generated automatically when special video data such as flash video data or large-sound-volume audio data is detected by the imaging apparatus.**

Secondly, in Harradine, the "semantic meta data", such as introduction of new faces or face, the start of periods of dialogue, changes in a scene or face positions within a scene or any other items associated with the source content of the audio/video material, provides contextual/descriptive information about the actual content of the audio/video material; and the "syntactic meta data", such as an amount of zoom applied to a camera lens, an aperture and shutter speed setting of the lens, and a time and date when the audio/video material was generated, is associated with items of equipment or parameters which were used whilst generating the audio/video material (See, Harradine, paragraph [0038]). Thus, **Harradine's special content, which is either descriptions of the actual content of material or parameters of equipments used during the generation of the material, has nothing to do with, and bears no resemblance to, Applicants' special kind of video data such as flash video data or large-sound-volume audio data.**

Consequently, nothing has been found in the Harradine that teaches or suggests the electronic mark indicating a special content data is generated when the mark generator detects a peak of total value of luminance levels of each frame in a predetermined length period, or when the mark generator detects that total value of audio output levels of each frame exceeds a predetermined level within a predetermined length period, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 2, 14, 16, 21 and 32-34 are patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

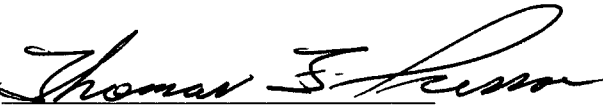
In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 

Thomas F. Presson
Reg. No. 41,442
Ph: (212) 588-0800
Fax: (212) 588-0500